

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: **5/17/2013** Received By: **gmalaise**
Wanted: **As time permits** Same as LRB:
For: **Legislative Fiscal Bureau 6-3847** By/Representing: **Carmichael**
May Contact: Drafter: **gmalaise**
Subject: **Children - juvenile justice** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to:

Pre Topic:

LFB:.....Carmichael -

Topic:

Juvenile correctional institution daily rates

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 5/17/2013	csicilia 5/20/2013	phenry 5/20/2013	_____			
/P1				_____	sbasford , 5/20/2013		

FE Sent For:

<END>

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/?	gmalaise	1/1 9/5 5/20 13	5/20 ph				

FE Sent For:

<END>

Malaise, Gordon

From: Carmichael, Chris
Sent: Friday, May 17, 2013 4:27 PM
To: Malaise, Gordon
Subject: LRB Drafts for JFC actions

Hi Gordon,

Impacting the statutory daily rates for juvenile correctional facilities, JFC adopted the modification in budget paper #235, as well as Alternative #3 under budget paper #236. As a result, the daily rates would decrease by \$3 in each year to be \$294 in 2013-14 and \$301 in 2014-15.

Thanks,
Chris

Christina Carmichael
Legislative Fiscal Bureau
Phone: (608) 266-3847
Fax: (608) 267-6873

Gmm

Corrections

Juvenile Corrections

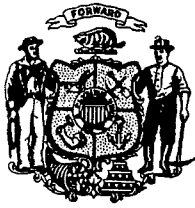
(LFB Budget Summary Document: Page 133)

LFB Summary Items for Which an Issue Paper Has Been Prepared

<u>Item #</u>	<u>Title</u>
1, 2 & 3	Juvenile Population Estimates, Statutory Daily Rates, and Serious Juvenile Offenders (Paper #235)
7	Deletion of Funding for Vacant Positions in Division of Juvenile Corrections (Paper #236)

reduces by \$1.00

reduces by additional \$12.00



Legislative Fiscal Bureau

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Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

May 13, 2013

Joint Committee on Finance

Paper #235

Juvenile Population Estimates, Statutory Daily Rates, and Serious Juvenile Offenders (Corrections - Juvenile Corrections)

[LFB 2013-15 Budget Summary: Page 133 #1, Page 134 #2 and #3]

CURRENT LAW

Statutory Daily Rates. Daily rates for juvenile care in a given biennium are specified in statute by fiscal year for juvenile correctional facilities, the corrective sanctions program, and aftercare supervision. These daily rates are calculated based on the projected annual cost and the estimated average daily population for each type of care.

Serious Juvenile Offender (SJO) Program. Corrections administers the SJO program for juveniles adjudicated delinquent and ordered to participate in the program. Under the program, a juvenile is subject to supervision, care and rehabilitation that is more restrictive than ordinary supervision in the community. The program provides for component phases (various sanctions) that are intensive, highly structured, and based on both public safety considerations and the juvenile's needs. A juvenile is subject to a SJO placement as follows: (a) if the juvenile is 14 years of age or more and has been adjudicated delinquent for committing a delinquent act that is equivalent to certain Class A, Class B, or Class C felony offenses; or (b) the juvenile is 10 years of age or more and has been adjudicated delinquent for attempting or committing first-degree intentional homicide, or for committing first-degree reckless homicide or second-degree intentional homicide. A SJO disposition may only be made for these juveniles if the judge finds that the only other disposition that would be appropriate is placement in a juvenile correctional facility.

The SJO appropriation reimburses juvenile correctional facilities, corrective sanctions providers, aftercare providers, and alternate care providers for costs incurred for juveniles who receive a SJO disposition. All components of the SJO disposition are state-funded. Base funding for the SJO appropriation is \$14,284,700 GPR.

GOVERNOR

Statutory Daily Rates. Provide the following statutory daily rates to be established for juvenile correctional services provided or purchased by the Department that would be charged to counties and paid through counties' youth aids allocations, or paid by the state through the serious juvenile offender appropriation.

	Statutory Rates	Governor	
	7-1-12 thru 6-30-13	7-1-13 thru 6-30-14	7-1-14 thru 6-30-15
Juvenile Correctional Facilities*	\$289	\$297	\$304
Corrective Sanctions	100	125	128
Aftercare Supervision	40	41	41

*Includes transfers from a juvenile detention facility to the Mendota Juvenile Treatment Center.

SJO Program. Increase funding by \$362,900 GPR in 2013-14 and \$270,500 GPR in 2014-15 to reflect costs associated with state-funded serious juvenile offenders. Increased costs are associated with the increase in statutory daily rates. The estimated average daily population for the SJO population would be 160 in 2013-14 and 149 in 2014-15. The SJO program average daily population through February, 2013 was 188.

Average Daily Population

Type of Care	As of	Serious Juvenile Offenders	
	March, 2013	2013-14	2014-15
Juvenile Detention Facilities	68	74	78
Corrective Sanctions Program	71	55	46
Aftercare Supervision	48	31	25
Total ADP	187	160	149
Alternate Care*	50	43	38

*A subset of corrective sanctions and aftercare supervision programs that includes residential care centers, group homes, treatment foster homes, and certain supplemental living arrangements.

DISCUSSION POINTS

1. Under current law, daily rates for juvenile care in a given biennium are specified by statute by fiscal year for juvenile correctional facilities, corrective sanctions, and aftercare supervision. Under the 2011-13 biennial budget act, 2011 Act 32, specific rates for residential care centers, group homes, treatment foster homes, and regular foster homes were deleted. Instead, the daily cost assessment for these placements is an amount equal to the amount the provider charges the Department. Further, Act 32 specified that a \$17 add-on be applied to the statutory daily rates for juvenile correctional facilities to address the juvenile operations appropriation deficit.

2. The daily rates for the juvenile correctional facilities, corrective sanctions, and the

aftercare program are set based on the population projections and estimated costs of each program. The population projections include juveniles in the SJO program.

	<u>Average Daily Population</u>	
	<u>2013-14</u>	<u>2014-15</u>
Lincoln Hills School	248	248
Copper Lake School	23	23
Mendota Juvenile Treatment Center	<u>29</u>	<u>29</u>
Total Juvenile Correctional Facility	300	300

3. A review of more recent juvenile population trends indicates that the estimated ADP for the juvenile placements as provided in the bill is appropriate. Based on the estimated ADPs and projected program expenditures, the corrective sanctions daily rates would be \$125 in 2013-14 and \$128 in 2014-15, and the aftercare daily rates would be \$41 annually.

4. As indicated above, the daily rates are calculated based on the estimated costs for the program. Further, the rates for juvenile correctional facilities include a \$17 add-on to address the juvenile operations appropriation deficit. As a result of an error in calculating the \$17 add-on, the daily rates could be reduced by -\$1 in each year to \$296 in 2013-14 and \$303 in 2014-15. Since the SJO program is funded each biennium on the basis of the statutory daily rates, SJO funding could be modified by -\$27,000 GPR in 2013-14 and -\$28,400 GPR in 2014-15.

MODIFICATION

Statutory Daily Rates. Modify the statutory daily rates for juvenile correctional facilities -\$1 in each year. As a result, the statutory daily rates would be:

	<u>7-1-13 thru 6-30-14</u>	<u>7-1-14 thru 6-30-15</u>
Juvenile Correctional Facilities	\$296	\$303
Corrective Sanctions	125	128
Aftercare Supervision	41	41

SJO Program. As a result of modifying the daily rates, decrease funding provided in the bill for the SJO program by -\$27,000 GPR in 2013-14 and -\$28,400 GPR in 2014-15.

Change to Bill Funding	
GPR	- \$55,400

Prepared by: Chris Carmichael



Legislative Fiscal Bureau

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May 13, 2013

Joint Committee on Finance

Paper #236

Deletion of Funding for Vacant Positions in Division of Juvenile Corrections (Corrections -- Juvenile Corrections)

[LFB 2013-15 Budget Summary: Page 139, #7]

CURRENT LAW

Base funding for the Department of Corrections' juvenile correctional services appropriation for the 2013-15 biennium is \$32,584,200 PR and 322.3 PR positions.

GOVERNOR

Delete \$298,500 PR annually associated with vacant positions under the Department's Division of Juvenile Corrections' juvenile correctional services appropriation.

DISCUSSION POINTS

1. The Governor's budget recommendations would delete \$597,000 PR associated with 5.0 vacant positions under the Division of Juvenile Corrections. Deleted funding is intended to control costs and moderate the statutory daily rates charged to counties by lowering overall operating expenses upon which the daily rate is based. The deleted funding was calculated based on the average salary and fringe benefits of all the vacant positions in the appropriation (\$59,700 annually). Deleting the funding is intended to control costs and moderate the statutory daily rates charged to counties and the state for juvenile correctional placements.

2. While PR expenditure authority would be eliminated, the Department would retain position authority associated with the funding. The Department indicates that retaining the positions would provide flexibility in case there should be a change in population and the positions are needed. The Department currently has 43.0 positions vacant in the juvenile correctional services appropriation. Of those positions, 9.0 positions have been vacant for over a year.

3. It should be noted that because the position authority would remain within the appropriation, funding associated with the positions would automatically be restored under standard budget adjustments for full funding of salary and fringe benefits during the next biennial budget cycle. Since the funding deletions designated to state agencies are intended to be permanent, the Committee may wish to delete the 5.0 positions as well. [Alternative 2]

4. Since the appropriation has had 9.0 positions vacant for over a year, the Committee may wish, in addition to deleted the positions and funding for 5.0 positions, also to delete funding and position authority associated with 4.0 additional positions. Under the alternative, the bill would be modified by -\$238,800 PR annually and -9.0 positions. [Alternative 3] It should be noted that, by deleting additional funding, the statutory daily rates associated with juvenile placements would be reduced by \$2 in each fiscal year.

\$297

ALTERNATIVES

1. Approve the Governor's recommendation to delete \$298,500 PR annually associated with vacant positions under the Department's Division of Juvenile Corrections' juvenile correctional services appropriation.

2. Modify the Governor's recommendation by also deleting 5.0 PR positions associated with the deleted funding.

ALT 2	Change to Bill Positions
PR	- 5.00

3. Modify the Governor's recommendation by deleting 5.0 PR positions associated with the bill's deleted funding, and additionally delete \$238,800 PR and 4.0 PR positions annually associated with other long-term vacancies in the juvenile correctional services appropriation.

ALT 3	Change to Bill Funding	Positions
PR	- \$477,600	- 9.00

Prepared by: Chris Carmichael



State of Wisconsin
2013 - 2014 LEGISLATURE



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GMM&EAS.....

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IN sm

g/s

EHS

LFB:.....Carmichael – Juvenile correctional institution daily rates

**FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 928, line 25: delete “\$297” and substitute “\$294”. ✓
- 3 **2.** Page 929, line 1: delete “\$297” and substitute “\$294”. ✓
- 4 **3.** Page 929, line 7: delete “\$304” and substitute “\$301”. ✓
- 5 **4.** Page 929, line 8: delete “\$304” and substitute “\$301”. ✓

(END)

X



LFB:.....Carmichael – Juvenile correctional institution daily rates

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

- At the locations indicated, amend the bill as follows:
1. Page 928, line 25: delete “\$297” and substitute “\$294”.
 2. Page 929, line 1: delete “\$297” and substitute “\$294”.
 3. Page 929, line 7: delete “\$304” and substitute “\$301”.
 4. Page 929, line 8: delete “\$304” and substitute “\$301”.
- (END)